

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

VERONICA NIXON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-1264-CG
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 15] of United States Magistrate Judge Charles B. Goodwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C).¹ Judge Goodwin recommends that the Court dismiss Plaintiff's Complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).² Alternatively, Judge Goodwin recommends dismissal for lack of subject matter jurisdiction and failure to state a claim under Fed. R. Civ. P. 12(h)(2) and 28 U.S.C. § 1915(e)(2)(B)(ii), respectively.

Plaintiff filed an objection to the Report and Recommendation. *See* Objection [Doc. No. 17]. The Court has conducted a de novo review³ and as set forth below, adopts the Report and Recommendation in its entirety.

¹ This matter was assigned to Magistrate Judge Goodwin pursuant to *In re. Social Security Cases*, Gen. Order No. 16-4 (W.D. Okla. (eff. Jan. 1, 2017)).

² Plaintiff is proceeding in forma pauperis in this action. *See* Order [Doc. No. 3].

³ The Court conducts a de novo review on the issues to which Plaintiff has made specific objections; review of issues to which no specific objection has been made are waived. *See United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir.1996); 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(3).

The exact basis of Plaintiff's objection is unclear. She has submitted a written objection and attached a copy of Judge Goodwin's Report and Recommendation to which she has inserted handwritten notations. *See* Objection, Att. 1 [Doc. No. 17-2]. The Report and Recommendation states: "Plaintiff appears to object to a decision by the Commissioner of the Social Security Administration ("SSA") terminating SSI benefits previously awarded under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383F." Adjacent to this statement, Plaintiff has handwritten: "never receive payment since granted settlement Sept-25-2015." She further has handwritten in the margin that "this is a lie from this Judge" and that she was "never awarded . . . any SSI benefits" and was never notified that the case was "closed and settled." *See* Attach. 1 at p. 1. Plaintiff's objection further states that Judge Goodwin is biased and she contends her social security case is closed and SSI disability benefits in the sum of \$100,000 were to be paid to her beneficiary.

Judge Goodwin addressed related allegations in Plaintiff's Complaint. *See* R&R at 3-4. He noted the allegations were not "fully intelligible" but liberally construed the allegations and concluded that "Plaintiff has alleged no logical facts to support her claims of wrongdoing" and, therefore, that her Complaint should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Alternatively, Judge Goodwin found the Complaint failed to allege facts sufficient to confer subject-matter jurisdiction and failed to allege facts sufficient to state any federal due process claim pursuant to *Bivens*.⁴ As to any state law claim, Judge Goodwin recommended dismissal of any criminal cause of

⁴ *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

action based on lack of jurisdiction and further recommended that the Court decline to exercise supplemental jurisdiction over any state law claims pursuant to 28 U.S.C. § 1367(c)(3).


The Court concurs with Judge Goodwin's analysis and adopts the Report and Recommendation in its entirety. The Court further finds Plaintiff's allegations of bias are unfounded and unsupported. Moreover, although Plaintiff has filed an objection, she has not objected to any particular findings set forth in the Report and Recommendation and her objection is otherwise not fully intelligible. Therefore, Plaintiff has waived any objections to the findings set forth in the Report and Recommendation.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 12] is ADOPTED in its entirety.

IT IS FURTHER ORDERED that the Complaint is dismissed without prejudice.

A separate judgment of dismissal will be entered contemporaneously with this Order.

IT IS SO ORDERED this 12th day of June, 2018.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE